

PATENT

Atty. Dkt. No. STL2801

REMARKS

This amendment is submitted in response to the Office Action dated November 28, 2003. Reconsideration and allowance of the claims is requested for the reasons presented below.

ELECTION/RESTRICTION

The Examiner has further restricted claims 6, 8-10 and 11-20. In response, the Applicants have withdrawn claims 6, 8-10 and 11-20 without prejudice.

CLAIM OBJECTIONS

Claim 3 is objected to for Informalities. In response, the Applicants have deleted the word "and" in line 2 of claim 3, in accordance with the Examiner's suggestion. Accordingly, the Applicants respectfully request that the objection to claim 3 be withdrawn.

CLAIM REJECTIONS**A. 35 U.S.C. §112: Claims 1-5 and 7**

Claims 1-5 and 7 stand rejected under 35 U.S.C. §112. In response, the Applicants have amended independent claim 1, from which claims 2-5 and 7 depend, to more clearly recite aspects of the present invention.

Specifically, claim 1 has been amended to recite a surface of "one of the opposite poles" of the magnet, replacing "a pole" of the magnet, thereby clarifying that the "surface" is a portion of one of the aforementioned poles, and not a portion of a third pole.

In light of the foregoing amendment, the Applicants respectfully submit that claim 1, as amended, and claims 2-5 and 7 that depend therefrom, are allowable under 35 U.S.C. §112. Accordingly, the Applicants respectfully request that the rejection of amended claim 1, and claims 2-5 and 7, be withdrawn.

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B. 35 U.S.C. 102: Claims 1-3 and 7

Claims 1-3 and 7 stand rejected under 35 U.S.C. §102(b) as being unpatentable over United States Patent No. 4,357,024, issued November 2, 1982 to *Raj* (hereinafter referred to as "*Raj I*"). In response, the Applicants have amended independent claim 1, from which claims 2-3 and 7 depend, to more clearly recite aspects of the invention.

Raj I does not teach, show or suggest all of the limitations of independent claim 1, as amended. Specifically, *Raj I* does not teach, show or suggest a seal including a magnet positioned between a shaft and a hub, where the magnet has a top pole piece and a bottom pole piece, and wherein a first gap separating the top pole piece from the outer surface of the shaft is smaller than a second gap separating the bottom pole piece from the outer surface of the shaft, as recited by independent claim 1 as amended.

Thus, the Applicants respectfully submit that claim 1, as amended, and claims 2-3 and 7 that depend therefrom, are patentable over *Raj I*. Accordingly, the Applicants respectfully request that the rejection to claims 1-3 and 7 be withdrawn.

C. 35 U.S.C. 103: Claim 4

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Raj* In view of United States Patent No. 4,830,384, Issued May 16, 1989 to *Raj et al.* (hereinafter referred to as "*Raj II*"). In response, the Applicants have amended independent claim 1, from which claim 4 depends, to more clearly recite aspects of the invention.

Neither *Raj I* nor *Raj II* teaches, shows or suggests all of the limitations of independent claim 1, as amended. Specifically, neither *Raj I* nor *Raj II* teaches, shows or suggests a seal including a magnet positioned between a shaft and a hub, where the magnet has a top pole piece and a bottom pole piece, and wherein a first gap separating the top pole piece from the outer surface of the shaft is smaller than a second gap separating the bottom pole piece from the outer surface of the shaft, as recited by independent claim 1 as amended.

Thus, the Applicants respectfully submit that claim 1, as amended, and claim 4 that depends therefrom, are patentable over *Raj I* in view of *Raj II*. Accordingly, the Applicants respectfully request that the rejection to claim 4 be withdrawn.

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D. 35 U.S.C. 103: Claim 5

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Raj* in view of United States Patent No. 5,050,891, issued September 24, 1991 to *Ishikawa* (hereinafter referred to as "*Ishikawa*"). In response, the Applicants have amended independent claim 1, from which claim 5 depends, to more clearly recite aspects of the invention.

Neither *Raj I* nor *Raj II* teaches, shows or suggests all of the limitations of independent claim 1, as amended. Specifically, neither *Raj I* nor *Raj II* teaches, shows or suggests a seal including a magnet positioned between a shaft and a hub, where the magnet has a top pole piece and a bottom pole piece, and wherein a first gap separating the top pole piece from the outer surface of the shaft is smaller than a second gap separating the bottom pole piece from the outer surface of the shaft, as recited by independent claim 1 as amended.

Thus, the Applicants respectfully submit that claim 1, as amended, and claim 5 that depends therefrom, are patentable over *Raj I* in view of *Raj II*. Accordingly, the Applicants respectfully request that the rejection to claim 5 be withdrawn.

CONCLUSION

The Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited. If any matters can be handled by telephone, Applicants request that the Examiner telephone Applicants' attorney at the number below.

Respectfully submitted,



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